

IN THE U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARY HOLLY,

Plaintiff,

vs.

WALMART REAL ESTATE TRUST, *et al.*,

Defendants.

CASE NO. 3:16-CV-0009

JUDGE

**DEFENDANT WAL-MART STORES  
EAST, LP'S NOTICE OF REMOVAL**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

1. Defendant Wal-Mart Stores East, LP, improperly designated as Walmart Real Estate Business Trust and Walmart Corporate Office in Plaintiff's Complaint ("Wal-Mart), is a Defendant in a civil action brought against it in the Court of Common Pleas for Allen County, Ohio, styled *Mary Holly v. Walmart Real Estate Business Trust, et al.*, Case No. CV2015 0735. Copies of all process and pleadings in that action are attached hereto, pursuant to 28 U.S.C. §1446(A).
2. Said action was commenced by service of the Complaint on Wal-Mart on December 28, 2015.
3. Plaintiff is a resident of the State of Ohio.
4. Wal-Mart is a limited liability company organized, registered and existing under the laws of the State of Delaware and has its principal place of business in Arkansas.
5. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.

6. Plaintiff demands judgment against Wal-Mart in an amount in excess of \$25,000.00. Wal-Mart has requested that Plaintiff stipulate that Plaintiff's damages do not exceed \$75,000.00. However, Plaintiff will not agree to any such stipulation. As such, it is Wal-Mart's good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, if all of its defenses fail and if Plaintiff proves all of its claimed damages as alleged in the Complaint.

7. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship, and Wal-Mart is not a citizen of the State of Ohio, in which this action was brought.

8. Written notice of removal of this action has been given simultaneously herewith to Plaintiff's counsel and the Clerk of Courts for Allen County, Ohio.

WHEREFORE, Defendant Wal-Mart Stores East, LP hereby removes this action from the Court of Common Pleas for Allen County, Ohio, to this Court, pursuant to 28 U.S.C. §1441.

Respectfully submitted,

*/s/ Nicholas P. Resetar*

Bradley A. Wright (0047090)

bwright@ralaw.com

Nicholas P. Resetar (0086507)

nresetar@ralaw.com

Roetzel & Andress, LPA

222 South Main Street

Akron, OH 44308

Telephone: 330.376.2700

Facsimile: 330.376.4577

ATTORNEYS FOR DEFENDANT

WAL-MART STORES EAST, LP

**PROOF OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of January, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Nicholas P. Resetar

Bradley A. Wright  
Nicholas P. Resetar

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